

Judge Analisa Torres
Magistrate Sarah NetburnJS 44C/SDNY
REV. 4/2014

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Spanish Broadcasting System, Inc.

DEFENDANTS

Lehman Brothers Holdings Inc., as Plan Administrator

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Kaye Scholer LLP, 250 West 55th Street New York, NY 10019-9710
(212) 836-8000

ATTORNEYS (IF KNOWN)

Madlyn Gleich Primoff

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Bankruptcy Appeal of Court's grant of Plan Administrator's Motion for Summary Judgment and disallowing SBS's claim number 67707.

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously AssignedIf yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 367 HEALTHCARE/	<input type="checkbox"/> 625 DRUG RELATED	<input checked="" type="checkbox"/> 422 APPEAL	<input type="checkbox"/> 375 FALSE CLAIMS
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT	<input type="checkbox"/> PHARMACEUTICAL PERSONAL	<input type="checkbox"/> SEIZURE OF PROPERTY	28 USC 158	<input type="checkbox"/> 400 STATE
<input type="checkbox"/> 130 MILLER ACT	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> INJURY/PRODUCT LIABILITY	21 USC 881	<input type="checkbox"/> 423 WITHDRAWAL	REAPPOINTMENT
<input type="checkbox"/> 140 NEGOTIABLE	<input type="checkbox"/> 320 ASSAULT, LIBEL &	<input type="checkbox"/> 365 PERSONAL INJURY	<input type="checkbox"/> 690 OTHER	28 USC 157	<input type="checkbox"/> 410 ANTITRUST
<input type="checkbox"/> 150 INSTRUMENT	<input type="checkbox"/> SLANDER	<input type="checkbox"/> PRODUCT LIABILITY			<input type="checkbox"/> 430 BANKS & BANKING
<input type="checkbox"/> 150 RECOVERY OF	<input type="checkbox"/> 330 FEDERAL	<input type="checkbox"/> 368 ASBESTOS PERSONAL			<input type="checkbox"/> 450 COMMERCE
OVERPAYMENT &	EMPLOYERS'	INJURY PRODUCT			<input type="checkbox"/> 460 DEPORTATION
ENFORCEMENT	LIABILITY	LIABILITY			<input type="checkbox"/> 470 RACKETEER INFLU-
OF JUDGMENT	<input type="checkbox"/> 340 MARINE	PERSONAL PROPERTY		PROPERTY RIGHTS	ENCED & CORRUPT
<input type="checkbox"/> 151 MEDICARE ACT	<input type="checkbox"/> 345 MARINE PRODUCT	<input type="checkbox"/> 370 OTHER FRAUD		<input type="checkbox"/> 820 COPYRIGHTS	ORGANIZATION ACT
<input type="checkbox"/> 152 RECOVERY OF	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> 371 TRUTH IN LENDING		<input type="checkbox"/> 830 PATENT	(RICO)
DEFAULTED	<input type="checkbox"/> 350 MOTOR VEHICLE			<input type="checkbox"/> 840 TRADEMARK	<input type="checkbox"/> 480 CONSUMER CREDIT
STUDENT LOANS	<input type="checkbox"/> 355 MOTOR VEHICLE				<input type="checkbox"/> 490 CABLE/SATELLITE TV
(EXCL VETERANS)	<input type="checkbox"/> PRODUCT LIABILITY			SOCIAL SECURITY	<input type="checkbox"/> 850 SECURITIES/
<input type="checkbox"/> 153 RECOVERY OF	<input type="checkbox"/> 360 OTHER PERSONAL	<input type="checkbox"/> 380 OTHER PERSONAL	LABOR	<input type="checkbox"/> 861 HIA (1395ff)	COMMODITIES/
OVERPAYMENT	INJURY	PROPERTY DAMAGE	<input type="checkbox"/> 710 FAIR LABOR	<input type="checkbox"/> 862 BLACK LUNG (923)	EXCHANGE
OF VETERANS'	<input type="checkbox"/> 362 PERSONAL INJURY -	<input type="checkbox"/> 385 PROPERTY DAMAGE	<input type="checkbox"/> 720 LABOR/MGMT	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 890 OTHER STATUTORY
BENEFITS	MED MALPRACTICE	PRODUCT LIABILITY	STANDARDS ACT	<input type="checkbox"/> 864 SSID TITLE XVI	ACTIONS
<input type="checkbox"/> 160 STOCKHOLDERS		PRISONER PETITIONS	<input type="checkbox"/> 751 FAMILY MEDICAL	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 AGRICULTURAL ACTS
SUITS		<input type="checkbox"/> 463 ALIEN DETAINEE	<input type="checkbox"/> 740 RAILWAY LABOR ACT		
<input type="checkbox"/> 190 OTHER		<input type="checkbox"/> 510 MOTIONS TO	<input type="checkbox"/> 751 FAMILY MEDICAL	FEDERAL TAX SUITS	
CONTRACT		VACATE SENTENCE	<input type="checkbox"/> 740 RAILWAY LABOR ACT	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or	<input type="checkbox"/> 893 ENVIRONMENTAL
CONTRACT		28 USC 2255	<input type="checkbox"/> 751 FAMILY MEDICAL	Defendant)	MATTERS
PRODUCT		<input type="checkbox"/> 530 HABEAS CORPUS	<input type="checkbox"/> 790 OTHER LABOR	<input type="checkbox"/> 871 IRS-THIRD PARTY	<input type="checkbox"/> 895 FREEDOM OF
LIABILITY		<input type="checkbox"/> 535 DEATH PENALTY	LITIGATION	26 USC 7609	INFORMATION ACT
<input type="checkbox"/> 196 FRANCHISE		<input type="checkbox"/> 540 MANDAMUS & OTHER	<input type="checkbox"/> 791 EMPL RET INC		<input type="checkbox"/> 896 ARBITRATION
	ACTIONS UNDER STATUTES		SECURITY ACT (ERISA)		<input type="checkbox"/> 899 ADMINISTRATIVE
	CIVIL RIGHTS				PROCEDURE ACT/REVIEW OR
	<input type="checkbox"/> 440 OTHER CIVIL RIGHTS				APPEAL OF AGENCY DECISION
	(Non-Prisoner)				<input type="checkbox"/> 950 CONSTITUTIONALITY OF
REAL PROPERTY	<input type="checkbox"/> 441 VOTING	PRISONER CIVIL RIGHTS	IMMIGRATION		STATE STATUTES
<input type="checkbox"/> 210 LAND	<input type="checkbox"/> 442 EMPLOYMENT	<input type="checkbox"/> 550 CIVIL RIGHTS	<input type="checkbox"/> 462 NATURALIZATION		
<input type="checkbox"/> 220 CONDEMNATION	<input type="checkbox"/> 443 HOUSING/	<input type="checkbox"/> 555 PRISON CONDITION	APPLICATION		
<input type="checkbox"/> 230 FORECLOSURE	ACCOMMODATIONS	<input type="checkbox"/> 560 CIVIL DETAINEE	<input type="checkbox"/> 465 OTHER IMMIGRATION		
<input type="checkbox"/> 240 RENT LEASE &	<input type="checkbox"/> 445 AMERICANS WITH	CONDITIONS OF CONFINEMENT	ACTIONS		
EJECTMENT	DISABILITIES -				
<input type="checkbox"/> 240 TORTS TO LAND	EMPLOYMENT				
<input type="checkbox"/> 245 TORT PRODUCT	<input type="checkbox"/> 446 AMERICANS WITH				
LIABILITY	DISABILITIES -OTHER				
<input type="checkbox"/> 290 ALL OTHER	<input type="checkbox"/> 448 EDUCATION				
REAL PROPERTY					

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: ☐ YES ☒ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

- ORIGIN**
- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ a. all parties represented ☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

- BASIS OF JURISDICTION**
- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

**IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.**

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[]	[]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[]	[]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[]	[]
CITIZEN OF ANOTHER STATE	[]	[]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[]	[]	FOREIGN NATION	[]	[]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Kaye Scholer LLP, 250 West 55th Street New York, NY 10019, Attorneys for Plaintiff
Spanish Broadcasting System, Inc., 2601 South Bayshore Drive PH2 Coconut Grove, FL 33133 United States

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Weil, Gotshal & Manges LLP, 767 Fifth Avenue, New York, NY 10153, Attorneys for Defendant
Lehman Commercial Paper Inc., 745 Seventh Avenue, New York, NY 10019
Lehman Brothers Inc., 745 Seventh Avenue, New York, NY 10019

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN
(DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 1/21/16 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT # *Madlyn Skiel Pinnell*

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

[x] YES (DATE ADMITTED Mo. May Yr. 1988)

Attorney Bar Code # MP1701

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

Clear Form

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